

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 09-50779

In re:

Dennis E. Hecker,

**NOTICE OF SETTLEMENT**

Debtor.

To: The United States Trustee, all creditors and other parties in interest.

On November 30, 2010 or as soon thereafter as the transaction may be completed, the undersigned trustee of the estate of the debtors named above will settle a controversy as follows: the trustee has reached as settlement with Patrick Terhaar regarding matters at issue in ADV No. 10-5018 ("Litigation"). The trustee initiated the Litigation in the above-captioned action against Terhaar, to obtain recovery of property or, in the alternative, a money judgment for property transferred by the debtor to Terhaar. Terhaar has appeared at a Bankruptcy Rule 2004 examination and has made other disclosures to the trustee. The trustee and Terhaar agree to the following settlement terms: (1) Upon Bankruptcy Court approval of the settlement terms, and the performance of those terms by Terhaar, the trustee shall file with the United States Bankruptcy court for the District of Minnesota (the "Court") a dismissal with prejudice of the Litigation. Each party shall be responsible for their own costs and attorney's fees incurred herein. (2) Either before execution of the agreement, or within ten (10) days thereafter, Terhaar shall deliver to the trustee, or make available to the trustee at Terhaar's home in Medina, MN the following personal property (which shall become property of the estate): (a) four bronze bears presently located in the state of Wisconsin ("Bear"); (b) A 42" Panasonic flat screen television; (c) commercial tool box; (d) John Deere tractor with sweeper and blower; (e) 2001 EZ Go golf cart; (f) 2000 Escalade golf cart; (g) Two 50cc four-wheel all-terrain vehicles (pink Polaris and orange Dinli) (all the foregoing shall be referred to as "Property"); (3) the Property shall be either delivered to the trustee or made available for pick-up by the trustee or his designed in the condition that the Property was in at the time that this Litigation was commenced. Terhaar shall use his best efforts to accommodate the trustee; (4) the parties are in accord that the Bears are difficult to move. Notwithstanding the foregoing, Terhaar shall use his best efforts to move the Bears to the Twin Cities in accord with this Agreement. However, if some or all of the Bears cannot be moved until the surrounding lake adequately freezes, Terhaar will move the Bears in accord with the agreement within a reasonable time thereafter. If the Bears are not made available to the trustee in the Twin Cities by February 28, 2011, the trustee's claims against Terhaar for turnover of the Bears, or to recover their value, shall be preserved and

not released pursuant to the agreement. The trustee believes this settlement is in the best interest of the bankruptcy estate.

**OBJECTION: MOTION: HEARING.** Under applicable rules, any objection must be in writing, be delivered to the trustee and the United States Trustee, and be filed with the clerk, not later than 12:00 o'clock noon on the day before the above date. If an objection is made or an order is required, the trustee moves the court for such orders as may be necessary and appropriate. If an objection is timely delivered and filed, the court will hold an expedited hearing on the objection with reduced notice of the hearing. The hearing will be scheduled by the trustee with notice by the trustee to the objecting party and the United States Trustee.

Office of the Clerk  
U.S. Bankruptcy Court  
404 U.S. Courthouse  
515 West First Street  
Duluth, MN 55802

Office of the U.S. Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Trustee (see address  
below)

Dated: November 4, 2010

/e/ Randall L. Seaver

Randall L. Seaver, Trustee  
12400 Portland Avenue South, Suite 132  
Burnsville, MN 55337  
(952) 890-0888